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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,676	01/26/2004	Jesse Shu	0023-0214	9884
44987 7590 09/12/2008 HARRITY & HARRITY, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030			EXAMINER NALVEN, ANDREW L	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 09/12/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,676

Applicant(s)

SHU ET AL.

Examiner

ANDREW L. NALVEN

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-11 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 9-11 is/are allowed.
- 6) ☒ Claim(s) 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-7, 9-11, and 22-27 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 22-27 are rejected under 35 U.S.C. 101 because the claims as currently presented can be interpreted as purely software. Software only claims fail the requirements of § 101 because software fails to fall into one of the four categories of statutory invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-7, 9-11, and 22-25 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Syvanne et al EP 1,317,112 in view of Kavanagh US PGPub 2003/

4. **With regards to claim 22**, Syvanne teaches a system for screening incoming packets (Syvanne, paragraph 0012, stateful filtering of packets), comprising: a GTP firewall having a GTP communication module (Syvanne, paragraph 0034, firewall with GTP tunnel communications passing through) and a firewall session list and removing inactive firewall sessions from the firewall session list when the tear down engine receives the instruction (Syvanne, paragraph 0022, firewall deletes entries in its entity table, paragraph 0041, receives message from other firewall and updates/deletes sessions). Syvanne fails to teach a firewall tear down engine. However, Kavanagh teaches a Gi communication module that is operable to receive an instruction from the GTP communication module to tear down a firewall session (Kavanagh, paragraph 0010, receives Detach Request message and initiates tunnel tear down, paragraph 0046, detach message passes through firewall). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Kavanagh's method of tearing down tunnels with GTP Detach Requests because it offers the advantage of reducing malicious attacks because system resources are not wasted because all GTP requests require a response (Kavanagh, paragraph 0011).
5. **With regards to claim 23**, Syvanne as modified teaches the GTP firewall is operable to detect a GTP tunnel tear down (Kavanagh, paragraph 0010, receives Detach Request message and initiates tunnel tear down).
6. **With regards to claim 24**, Syvanne as modified teaches the GTP firewall is operable to detect a firewall session end (Syvanne, paragraph 0032, connection moved from being handled by one firewall to another, paragraph 0022, firewall deletes entries

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in its entity table, paragraph 0041, receives message from other firewall and updates/deletes sessions).

7. **With regards to claim 25**, Syvanne as teaches a GTP firewall includes a Gn firewall provided at a Gn interface (Syvanne, paragraph 0034, firewall 305 between SGSN and GGSN).

8. **Claims 26-27 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Syvanne et al EP 1,317,112 and Kavanagh US PGPub 2003/0081607, as applied to claim 22 above, and in further view of Gopal et al "User plane Firewall for 3G Mobile Network."

9. **With regards to claim 26**, Syvanne as modified fails to teach the GTP firewall includes a Gp firewall provided at a Gp interface. However, Gopal teaches the GTP firewall includes a Gp firewall provided at a Gp interface (Gopal, page 2118, stateful firewall at Gp interface). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Gopal's method of providing a firewall at the Gp interface because it offers the advantage of defending against attacks that are targeted at the wireless infrastructure (Gopal, page 2118).

10. **With regards to claim 27**, Syvanne as modified fails to teach the GTP firewall is located on a device; and the Gi firewall is located on the device. However, Gopal teaches the GTP firewall is located on a device; and the Gi firewall is located on the device (Gopal, page 2117, column 2, firewall policy at Gi interface). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to

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utilize Gopal's method of including a Gi firewall on the device because it offers the advantage of reducing the vulnerability of future telecommunications networks to attacks while still allowing voice and streaming services for users to pass from the user plane (Gopal, page 2117).

Allowable Subject Matter

11. Claims 1-7 and 9-11 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW L. NALVEN whose telephone number is (571)272-3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew L Nalven/
Primary Examiner, Art Unit 2134